GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Potluru Srinivasulu, S/o Ramanaiah Occ: Line Men O/o Cherlopalli Sub-Station, Manugolu Section, Gudur Divisional, SPSR Nellore District against the Proceedings Rc.No.C5(M)/1494/2013, dated 19.12.2013 of the District Collector, SPSR Nellore District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 76 **Dated: 10-06-2016**

Read the following:

1. Proceedings of the District Collector, SPSR Nellore District, Rc.No.C5(M)/1494/2013, dt:19.12.2013.
2. Appeal Petition filed by Sri Potluru Srinivasulu,S/o Ramanaiah Occ: Line Men O/o Cherlopalli Sub-Station, Manugolu Section, Gudur Divisional, SPSR Nellore District before M(TW), No.102/PS/M(TW)/2014, dt.28.02.2014.
3. Govt. Memo No.3142/CV.2/2014, SW(CV.2) Deptt., Dated: 15.03.2014.
4. Order of the Hon'ble High Court of A.P., in W.P. No. 5701/2014, dated 26.02.2014.
5. From the District Collector, SPSR Nellore, Lr. No. Rc.No.C5(M)/1494/2013,dated 26.10.2014 & 25.03.2015.
6. Govt. Memo No.3142/CV.2/2014, T.W(CV.2) Department, dated 16.10.2015.

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ORDER:

In the reference 1st read above the District Collector, SPSR Nellore District has issued orders canceling ST- Yanadi Caste Certificate obtained from the then Tahsildar, Allur Mandal, SPSR Nellore District on 2011 by Sri Potluru Srinivasulu, S/o Ramanaiah.

2. In the reference 2nd read above, Sri Potluru Srinivasulu, S/o Ramanaiah has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, SPSR Nellore District. After examining the said Appeal Petition, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, SPSR Nellore District in the reference 3rd read above.

3. Sri Potluru Srinivasulu, S/o Ramanaiah has filed W.P. No. 5701/2014 before the Hon'ble High Court, against said proceedings of the District Collector, SPSR Nellore District. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP, on 26.02.2014 has directed the Government to hear and decide the appeal and/or stay application expeditiously within four weeks from the date of receipt of the order. Till passing of interim/final orders by the Government, the orders of the District Collector shall not be given effect to. But due to several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

4. In the reference 5th read above, the District Collector, SPSR Nellore District has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri Potluru Srinivasulu, S/o Ramanaiah.

5. The said Appeal Petition has been posted for hearing on 31.10.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be

[P.T.O]

construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th read above.

6. During the hearings, the Government heard both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the appellant / the parawise remarks submitted by the District Collector, SPSR Nellore District and proceedings of the District Collector, SPSR Nellore District dated 19.12.2013, it is observed by the Appellate Authority that:

I. The appellant has claimed that he belongs to Yanadi (ST) Community and he explained that his father and mother belongs to Yanadi Community and due to the Financial problem his parents unable to feed him and kept the appellant in the house of one vaddera family and appellant prosecuted his studies by staying at "vaddera" family and as per the explanation of the appellant it is clearly established that he belongs to Yanadi (ST) Community and there is no ambiguity on the other hand, contrary to the above.

II. The DLSC, SPSR Nellore has observed that the appellant is not following the traditional customs of Yanadi community. He had married Vaddera (BC) community women. He did not furnish the details regarding maternal and paternal side relatives in order to substantiate his claim of belonging to Yanadi ST Community and he tried to hide the facts of the details of his blood relatives/wife/children intentionally. If he really belongs to Yanadi (ST) community, he ought to have produced such details of his blood relatives/wife/children etc. The individual is not in the fold of Yanadi-ST community and he was not accepted by the tribal society. With a malafied intention, his family members have obtained certificates fraudulently to the effect that he belongs to Yanadi-ST caste. Thus on the strength of the Caste Certificate, (which is highly objectionable) he has been continuing to claim his ST status. All the other documents that he has produced in support of his claim for ST caste are not reliable. The evidences he produced to prove his caste status are the School Certificates which are issued without due enquiry. Hence, it is confirmed that Sri Potluru Srinivasulu does not belong to Yanadi-Scheduled Tribe.

7. Further it is also observed that the Appellant has not produced any relevant documents/material in support of his "ST-Yanadi community" claim before the Appellate Authority at the time of hearing except school record, which is generated based on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of a person. Further there is no evidence that the father of the Appellant belongs to ST-Yanadi Community and the Appellant failed to produce any evidence even though lot of opportunity was given to him even by the Government. Further the Appellant has failed to prove that his parents belong to ST-Yanadi Community. Further, whole evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. By the plain reading of Section 6 of Act 16 of 1993 and Rule 21 of the rules one can understand that the Rule 21 is meant, for the cases where a community certificate is issued by competent authority under Section 4 of A.P. Act 16 of 1993 and it can't take away the power, the Primary Authority has under Section 5 of the said Act. Obviously the Appellant miserably failed to prove that he or his parents belong to ST-Yanadi community. In principle the Govt. is receiving any documents even at the time of argument and considering the same in order to ensure that justice is done to the parties more so to those who complain that reasonable opportunity is not given to them by the primary authority. But, no documents are placed before Govt. though lot opportunity is given by the Government.

8. Hence, the Government is of the considered view that the appellant obtained caste certificate fraudulently and he has no iota of evidence to show that, he belongs to ST "Yanadi" Community and he belongs to "Vaddera" Community

[Contd…]

but not otherwise. The appeal is devoid of any merits and the Government did not find any infirmity in the judgment of the respondent/ District Collector, SPSR Nellore.

9. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Potluru Srinivasulu, S/o Ramanaiah, does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore District issued vide Rc.No.C5(M)/1494/2013, dt:19.12.2013, are hereby upheld and the Appeal Petition filed by Sri Potluru Srinivasulu, S/o Ramanaiah, is hereby dismissed and the Certificate issued by the then Tahsildar, Allur Mandal, SPSR Nellore District deemed to be cancelled.

10. Consequently, the District Collector, SPSR Nellore District shall take necessary action in the matter.

11. The records (containing Rc.No.C5(M)/1494/2013, dt:19.12.2013, pages 01 to 42 cf) received from District Collector, SPSR Nellore through in the reference 5th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collectyor, SPSR Nellore.(w.e)
(with original records)

Sri Potluru Srinivasulu,S/o Ramanaiah
Occ: Line Men O/o Cherlopalli Sub-Station,
Manugolu Section, Gudur Divisional, SPSR Nellore.

Sri P.Mehar Srinivasa Rao, Advocate,
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Copy to :
The Director, TCR& TI, AP, Hyderabad.
The PS to M(SWE & TWE).
The PS to Prl. Secretary(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER